

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Wheeling

**DIANA MEY**, individually and on behalf  
of a class of all persons and entities  
similarly situated,

Plaintiff,

v.

**HERBALIFE INTERNATIONAL, INC.,  
THOMAS STILES, PAMELA STILES,  
NANCY WILLIS and DANA WILLIS,**

Defendants.

Case No. 5:03-cv-118

U.S. DISTRICT COURT  
FILED AT WHEELING, WV  
AUG 11 2003  
NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

**NOTICE OF REMOVAL**

Comes now Herbalife International, Inc. (hereinafter "Herbalife"), pursuant to 28 U.S.C. § 1452 and Rule 9027 of the Federal Rules of Bankruptcy Procedure, and hereby removes this action to the United States District Court for the Northern District of West Virginia from the Circuit Court of Ohio County, West Virginia. As grounds for such removal, Herbalife states as follows:

1. There is pending in the Circuit Court of Ohio County, West Virginia, a civil action styled Diana Mey, individually and on behalf of a class of all persons and entities similarly situated, Plaintiff vs. Herbalife International, Inc., Thomas Stiles, Pamela Stiles, Nancy Willis and Dana Willis, Defendants, which said civil action was numbered in the Circuit Court of Ohio County, West Virginia, as Civil Action No. 01-C-263M.

2. The plaintiff in said civil action, Diana Mey, is a citizen and resident of Ohio County, West Virginia.

3. One of the defendants in said civil action, Herbalife International, Inc., is a corporation existing under the laws of the State of Nevada, having its principal place of business in Los Angeles, California.

4. Other of the defendants, Nancy Willis and Dana Willis, are residents and citizens of the State of Ohio.

5. Other of the named defendants, Pamela Stiles and Thomas Stiles, are residents and citizens of the State of West Virginia.

6. This Court has jurisdiction over the said civil action by virtue of 28 U.S.C. § 1331, 28 U.S.C. § 1332, and 28 U.S.C. § 1334.

7. In said civil action, the plaintiff seeks significant damages against the defendants.

8. The civil action involves issues of Federal law.

9. On or about May 12, 2003, defendants Thomas Stiles, also known as Albert T. Stiles, Jr., and Pamela J. Stiles filed a voluntary petition under Title 11 of the United States Code in the United States Bankruptcy Court for the Northern District of West Virginia. Said bankruptcy case has been assigned Case Number 5: 03-BK-01727.

10. This proceeding is a non-core proceeding.

11. This action is related to the bankruptcy proceeding in that the outcome of this action could conceivably have an effect upon the estate being administered in bankruptcy.

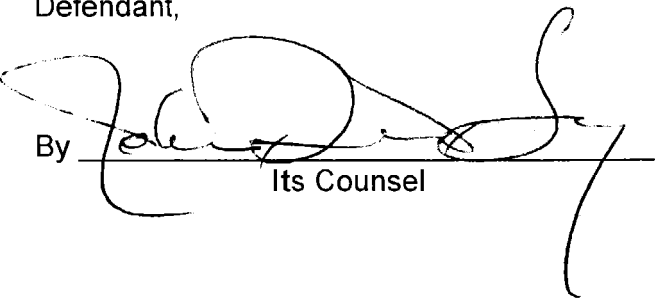
12. This action is related to the bankruptcy in that the outcome could alter the debtor's rights, liabilities, options or freedom of action and in that it impacts the handling and administration of the estate.

13. This defendant does not consent to the entry of final orders or judgment by the Bankruptcy Judge.

14. A copy of the docket sheet of the case below is attached hereto.

15. A copy of all pertinent pleadings filed in the civil action are being obtained and filed with the Court.

**HERBALIFE INTERNATIONAL, INC.,**  
Defendant,

By  \_\_\_\_\_  
Its Counsel

**John Preston Bailey, Esq. (WVSB #209)**  
**BAILEY RILEY BUCH & HARMAN, L.C.**  
**P. O. Box 631**  
**Wheeling, WV 26003-0081**  
**Telephone: (304) 232-6675**  
**Facsimile: (304) 232-9897**

**CERTIFICATE OF SERVICE**

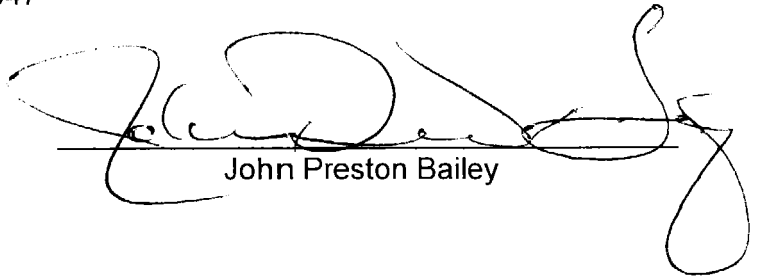
I hereby certify that I served the foregoing ***Notice of Removal*** upon the parties herein on the 11<sup>th</sup> day of August, 2003, by mailing a true copy thereof by United States mail, postage prepaid, as follows:

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John Preston Bailey

CASE 01-C-263

OHIO

DIANA MEY

vs. TOM STILES

LINE DATE ACTION

1 06/19/01 CASE FILED, REMOVED FROM MAGISTRATE COURT  
 2 06/19/01 CLERK'S NOTICE OF REMOVAL SENT TO PARTIES 6/19/01  
 3 06/19/01 DEF'S ANSWER  
 4 06/21/01 PL'S LTR TO MAGISTRATE FAHEY RE: RESPONDING TO NOTICE  
 5 06/21/01 LTR TO MAGISTRATE FAHEY FROM PL RE: RESPONDING TO NOTICE  
 6 07/12/01 PL'S MOTION FOR STATUS CONFERENCE AND SCHEDULING CONFERENCE  
 7 07/03/02 NOTICE OF APPEARANCE OF ATTY JAMES BYRUM JR ON BEHALF OF PL  
 8 07/10/02 LTR FROM ATTY BYRUM TO JUDGE RE: REQUESTING A SCHEDULING  
 9 CONFERENCE BE SET  
 10 07/12/02 PL'S NOTICE OF SCHEDULING CONFERENCE ON 8/12/02 AT 9:00  
 11 07/23/02 DEF'S MOTION TO CONTINUE 8/12/02 SCHEDULING CONFERENCE  
 12 08/07/02 PL'S NOTICE OF SCHEDULING CONFERENCE ON 8/28/02 AT 11:00  
 13 08/30/02 JUDGE'S CHANGE OF HEARING NOTICE TO 9/5/02 AT 9:30  
 14 09/04/02 LTR FROM ATTY MANYPENNY TO JUDGE RE: REQUEST TO APPEAR BY PHONE  
 15 FOR 9/5/02 HEARING (FAX)  
 16 09/11/02 121,733 SCHEDULING CONFERENCE ORDER RE: AMOTH, BENCH TRIAL ON  
 17 1/17/03 AT 9:00  
 18 09/26/02 COS, PL'S FIRST SET OF INTERR AND REQUEST FOR PROD OF DOCS TO DEF  
 19 10/31/02 COS, DEF'S ANSWER AND RESPONSE TO THE PL'S FIRST SET OF INTERR  
 20 11/01/02 PL'S NOTICE OF DEPOSITIONS OF TOM STILES ON 11/13/02 AT 1:00  
 21 AND PAM STILES AT 2:00  
 22 11/04/02 DEF'S NOTICE OF DEPOSITION OF DIANA MEY ON 11/13/02 AT 3:00  
 23 11/18/02 DEF'S NOTICE OF DEPOSITION OF DIANA MEY ON 12/6/02 AT 11:00  
 24 11/20/02 DEF'S REQUEST FOR PROD OF DOCS  
 25 12/02/02 COS, PL'S SECOND SET OF REQUESTS FOR PROD OF DOCS TO DEF  
 26 12/02/02 COS, PL'S SECOND SET OF INTERR TO THE DEF  
 27 12/16/02 COS, PL'S ANSWERS TO DEF'S REQUESTS FOR PROD OF DOCS  
 28 12/17/02 PL'S MOTION FOR AN EXTENSION OF THE DISCOVERY DEADLINES AND  
 29 CONTINUANCE OF 1/17/03 TRIAL DATE  
 30 12/26/02 DEF'S REPLY TO PL'S MOTION FOR EXTENSION AND CONTINUANCE  
 31 12/27/02 DEF'S SECOND REQUEST FOR PRODUCTION  
 32 12/31/02 123,327 AGREED ORDER RE: DISCOVERY DEADLINES AND TRIAL DATE ARE  
 33 VACATED; SCHEDULING CONFERENCE ON 1/23/03 AT 10:30  
 34 01/29/03 123,658 AMOTH, AMENDED SCHEDULING CONFERENCE ORDER  
 35 02/06/03 COS OF PL'S RESPONSE TO DEF, TOM STILES' SECOND REQ. FOR PROD/DOCS  
 36 UPON COUNSEL OF RECORD 2/5/03  
 37 02/25/03 PL'S NOTICE OF DEPOS. OF PAM STILES ON 3/3/03 @1:00  
 38 04/18/03 PL'S MOTION TO AMEND COMPLAINT  
 39 05/02/03 PL'S NOTICE OF HEARING ON 5/13/03 AT 2:00  
 40 05/05/03 PL'S COMPLAINT - CLASS ACTION  
 41 05/05/03 PL'S NOTICE OF SUBSTITUTION OF ATTACHMENT TO MOTION TO AMEND  
 42 COMPLAINT  
 43 05/16/03 PL'S REVISED NOTICE OF HEARING ON 6/24/03 AT 11:00  
 44 06/24/03 APPLICATION FOR PRO HAC VICE ADMISSION OF EDWARD BRODERICK ON  
 45 BEHALF OF PL  
 46 06/24/03 APPLICATION FOR PRO HAC VICE ADMISSION OF MATTHEW MCCUE ON  
 47 BEHALF OF PL  
 48 06/24/03 126,99 ORDER GRANTING EDWARD BRODERICK AND MATTHEW MCCUE  
 49 ADMISSION PRO HAC VICE, SIGNED 6/24/03  
 50 06/26/03 COMPLAINT - CLASS ACTION  
 51 06/30/03 US BANKRUPTCY COURT'S MOTION TO MODIFY AUTOMATIC STAY AND  
 52 AGREED ORDER  
 53 07/01/03 126,187 ORDER GRANTING MOTION TO AMEND COMPLAINT  
 54 07/16/03 COMPLAINT - CLASS ACTION  
 55 07/16/03 PL'S MOTION FOR CLASS CERTIFICATION  
 56 07/16/03 MEMORANDUM IN SUPPORT OF PL'S MOTION FOR CLASS CERTIFICATION  
 57 07/16/03 PL'S FIRST REQUEST FOR PROD OF DOCS TO DEF HERBALIFE INTL  
 58 07/16/03 PL'S FIRST REQUEST FOR PROD OF DOCS TO DEF NANCY & DANA WILLIS  
 59 07/16/03 SUMMONS ISSUED 7/16/03, HERBALIFE, BY SOS, NANCY & DANA WILLIS,  
 60 BY CM, THOMAS & PAMELA STILES, TO ATTORNEY  
 61 07/16/03 PL'S INDEX  
 62 07/21/03 RETURN CERT.MAIL, NANCY WILLIS, SIGN SAME NO DATE  
 63 07/21/03 RETURN CERT.MAIL, DANA WILLIS, SIGN BY AGENT NO DATE